

Pepper Hamilton LLP

Attorneys at Law

3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
215.981.4000
Fax 215.981.4750

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/16/07

MEMO ENDORSED

Christopher J. Huber
direct dial: 215.981.4446
direct fax: 215.689.4678
huberc@pepperlaw.com

November 15, 2007

VIA FACSIMILE (212-805-6724)

The Honorable Frank Maas
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 740
New York, NY 10007

Although this letter does not comply with A 1. E of either my Individual Practices or those of Judge Bertram, it appears that counsel are seeking a first adjournment of 60 days. The deadline for the completion of all discovery is extended to 1/25/08. The requirement that counsel

Re: DH Capital LLC v. Xanadoo, LLC, 07-5579 send me a letter

(RMB)(FM)

Dear Judge Maas:

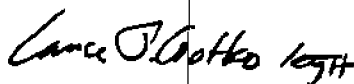
after the 12/3/07 conference remains unchanged (unless, of course, Judge Bertram adjourns that conference). FYI, USMT,

The parties in the above referenced matter write to request a short extension to the discovery period set forth in the scheduling order. As we previously discussed with Your Honor, the parties explored settlement at the beginning of the discovery period in an attempt to avoid the costs of discovery. Ultimately, the plaintiff determined that it did not believe a full mediation would be productive at that time. 11/15/07

Upon that determination, the parties began full discovery. The parties have now exchanged initial disclosures, served and responded to interrogatories, served document requests and produced over 180,000 pages of documents. We anticipate approximately six depositions will be necessary before discovery is complete.

We would request that Your Honor extend the discovery deadline until the end of January to allow the parties to complete discovery. Thank you for your consideration of this matter.

Respectfully,



Lance J. Gotko
Counsel for Plaintiff



Christopher J. Huber
Counsel for Defendant

Philadelphia

Boston

Washington, D.C.

Detroit

New York

Pittsburgh

Berwyn

Harrisburg

Orange County

Princeton

Wilmington

www.pepperlaw.com

TOTAL P.02